

United States Courts  
Southern District of Texas  
FILEDUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

JAN 14 2021

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

Vs.

David Vasquez

## CRIMINAL COMPLAINT

Case Number: C-21-0049M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 13, 2021 in Brooks County, in the, (Date)  
Southern District of Texas, defendant, David Vasquez

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the Official Title  
following facts:

See Attached Affidavit of U.S. Border Patrol Agent **Antonino Gonzalez Jr.**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

Antonino Gonzalez Jr.  
Signature of Complainant  
**Antonino Gonzalez Jr.**  
Printed Name of Complainant

January 14, 2021  
Date

at Corpus Christi, Texas  
City and State

Julie K. Hampton United States Magistrate Judge  
Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

## **AFFIDAVIT**

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

### **PROBABLE CAUSE / FACTS:**

On January 13, 2021, at approximately 3:30 p.m., a 2012 Chrysler 200 arrived at the Border Patrol Checkpoint near Falfurrias, Texas. As the primary agent conducted an immigration inspection of the occupants in the vehicle, a Canine Handler used his service canine to conduct a free air sniff of the exterior of the vehicle. The Canine Handler advised the primary agent that his canine alerted to the vehicle and it was referred to the secondary inspection area for further inspection.

At the secondary inspection area agents found two male subjects concealed in the trunk of the vehicle. Both subjects admitted to agents they were citizens of El Salvador illegally present in the United States.

Agents arrested the driver David VASQUEZ for alien smuggling and the two smuggled aliens for being illegally present in the United States. A United States Citizen fifteen year old juvenile female front seat passenger was also detained and later released to a family member. All subjects were escorted into the checkpoint for further processing.

### **MIRANDA RIGHTS WARNING:**

All the subjects were advised of their Miranda Rights in their respective languages.

### **PRINCIPAL STATEMENT (David VASQUEZ):**

VASQUEZ stated approximately two weeks ago his car was broken into and all the money he planned to use to pay his bills was taken. He stated a friend told him how successful he had been smuggling people through the checkpoint and that it was easy money. He stated his friend put him in contact with the facilitator on Snapchat. VASQUEZ stated once he contacted the facilitator the arrangements were made. He was told to meet a different guy behind the "Frys" electronic store in Mission, Texas. VASQUEZ stated a man driving a greenish/brown sport utility vehicle (SUV), told him to follow him. He stated he followed the man to an unknown side street. He stated the man told him to stay in the vehicle and pop the trunk. VASQUEZ stated the man got two men out of the SUV and put them into the trunk. VASQUEZ stated the man told him not to speed and to call the facilitator once he got close to Houston, Texas. He stated he drove north without making any stops. He stated he was given \$80.00 for gas and a hotel.

### **MATERIAL WITNESS STATEMENT (Rodolfo Osael GARCIA-Amaya):**

GARCIA stated he entered illegally into the United States about fifteen (15) days ago. He stated he was taken to a stash house, then to a trailer where he was kept for thirteen (13) days. GARCIA stated on Wednesday, January 13, 2021, a man in a SUV picked him up and

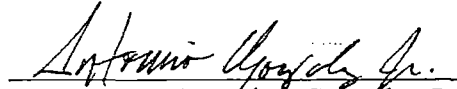
drove him to an unknown location where the gray two door car was waiting with the trunk already open. GARCIA stated the man in the SUV told him to get off and get into the trunk of the vehicle he was encountered in. He stated once they got into the trunk, the driver of the gray car got out and told them to stay quiet and to get comfortable. GARCIA stated he did not know how to get out of the trunk in case of an emergency and that he was nervous while in the trunk.

GARCIA was able to positively identify the driver David VASQUEZ in a photo line-up.

Agents interviewed the second smuggled alien and he did not provide any exculpatory evidence.

**DISPOSITION:**

The facts of this case were presented to Assistant United States Attorney's Office who accepted David VASQUEZ for prosecution of 8 USC 1324, Alien Smuggling. Rodolfo Osael GARCIA-Amaya will be held as a material witness in this case.

  
Antonino Gonzalez Jr.  
Border Patrol Agent

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed.R.Crim.P.4.1,  
and probable cause found on the January 14, 2021.

  
Julie K. Hampton  
United States Magistrate Judge